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In re Application of :
Gauri Saxena et al :
Serial No.: 09/539,992 : PETITION DECISION
Filed: March 30, 2000 :
Attorney Docket No.: 204.482 :

This is in response to the petition under 37 CFR 1.181, filed March 6, 2003, for withdrawal of abandonment based on timely reply to an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the Office, on September 28, 2001, mailed a letter to applicants stating that the sequence listing must be provided in CRF format, and set a one month time period for reply. Applicants replied on October 25, 2001, providing a paper copy of the sequence and a CRF disk. Due to circumstances beyond the control of the Office at the time of submission, all Office directed mail was subjected to irradiation by the US Postal Service. This was not done at the behest of the Office. As a consequence disks containing sequence information were rendered unreadable by this process. In due course the Office mailed applicants a second request for a CRF disk on February 12, 2002, setting a one month time period for reply. Applicants replied on April 23, 2002, but failed to include an explicit request and fee for a two month extension of time. However, earlier papers submitted with the application authorized charging of certain fees to a Deposit Account, including an extension of time, for any paper submitted which required an extension of time. In processing the newly submitted CRF this authorization was overlooked. Upon processing the CRF disk, flaws were detected which caused an error report to be generated on May 7, 2002, and the disk not be accepted. A Notice of Abandonment was mailed to applicants on March 6, 2003. It is not known whether the error report was included with the Notice of Abandonment.

Applicants filed this petition on March 6, 2003, explaining the circumstances and reasons why the Notice of Abandonment should be withdrawn. The missing extension of time fee was again authorized. In view of the authorized extension of time fee the paper is considered timely submitted. Had the submission been considered timely at the time of filing the result of the generation of the Error Report would have been to notify applicants of the errors and allow a period of time for submission of a corrected CRF. Such is provided below. As a consequence the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

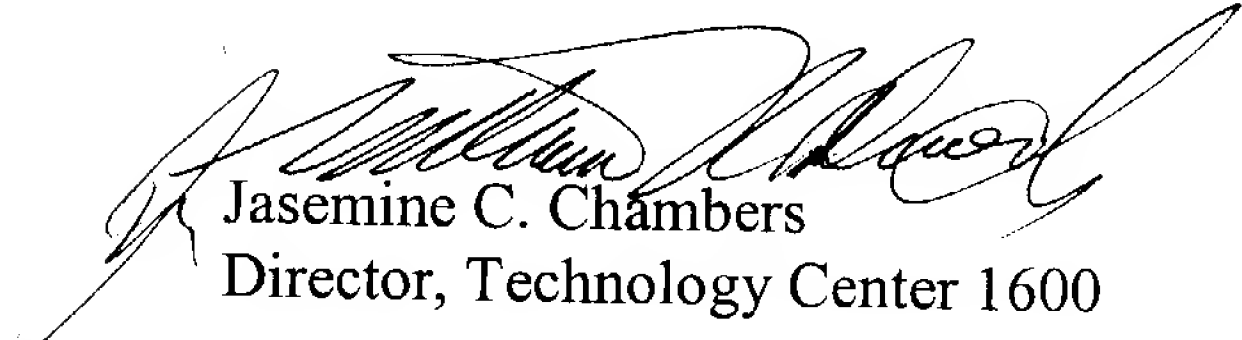
The petition is **GRANTED**.

The fee for a TWO MONTH extension of time in effect on April 23, 2002, will be charged to applicants' Deposit Account No. 01-0035, as directed.

The petition fees submitted of \$130.00 (3/13/03) and \$1300.00 (3/04/03) are not required for this petition and will be credited to applicants' Deposit Account No. 01-0035, as directed.

In view of the Error Report (copy enclosed) applicants are given a ONE MONTH time period from the date of mailing of this decision to submit a corrected CRF. Extensions of time are governed by 37 CFR 1.136(a). Failure to submit the required CRF will result in the application being held abandoned.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



Jasemine C. Chambers
Director, Technology Center 1600